

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

MITCHELL

Serial No.: Not yet assigned

Filed: Herewith

Atty. File No.: 3374-4-1-1

For: "METHOD AND APPARATUS
FOR ERECTING WALL PANELS"

Group Art Unit:

Examiner:

TERMINAL DISCLAIMER TO OBVIATE
A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

"EXPRESS MAIL" MAILING LABEL NUMBER: EL545148566US
DATE OF DEPOSIT: June 20, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS,
WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Christine Jacquet

SIGNATURE: Christine Jacquet

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The owner, Elward Systems Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of prior Patent No. 5,809,729. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant applications and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

06/26/2001 MBIZUNES 00000026 09886297

02-FC-215

55.00-0P

Adjustment date: 06/27/2001 MBIZUNES
06/27/2001 MBIZUNES 00000026 09886297

55.00-0P

06/27/2001 MBIZUNES 00000013 09886297

55.00 0P

01 FC:248

- I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- June 20, 2001
Date

Douglas W. Swartz
Signature

Douglas W. Swartz
Typed or printed name

[X] PTO suggested wording for terminal disclaimer was

[X] unchanged. ☐ changed (if changed, an explanation should be supplied).

J:\3374\4\1\1\TERM-DIS.PAT.wpd